

No. 60989

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office MAR 03 1995

Returned to applicant for correction

Corrected application filed

Map filed MAR 03 1995 under 60985The applicant Rayrock Mines, Inc.P.O. Box 2100

Street and No. or P.O. Box No.

, of Winnemucca

City or Town

Nevada 89446

State and Zip Code No.

hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Rayrock Mines, Inc., A Nevada Corporation,

November 17, 1970

1. The source of the proposed appropriation is Underground (Site 5)
Name of stream, lake, spring, underground or other source

2. The amount of water applied for is 0.5 second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for Mining, Milling, and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks") See No. 12

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point Within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 3, T. 12S.
Describe as being within a 40-acre subdivision of public

R48E, M.D.B. & M. (Unsurveyed) at a Point From Which the NW Corner of Sec. 4,
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.

T. 12S., R. 48E., M.D.B. & M. (Unsurveyed) Bears N. 84° 32' 7" W., a Distance of
9,747.83 Feet.

6. Place of use SW $\frac{1}{4}$ Sec. 12, SE $\frac{1}{4}$ Sec. 12, NE $\frac{1}{4}$ Sec. 14, SE $\frac{1}{4}$ Sec. 14, T. 12S., R. 47E.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.

M.D.B. & M. SW $\frac{1}{4}$ Sec. 7, SE $\frac{1}{4}$ Sec. 7, SW $\frac{1}{4}$ Sec. 8, T. 12S., R. 48E., M.D.B. & M. (Unsurveyed)

7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled and Cased Well, Electric Motor,
State manner in which water is to be diverted, i.e.: diversion structure, ditches and

and Distribution System.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$300,000

10. Estimated time required to construct works.....2 Years

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use.....5 Years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

Water to be Used for Mining, Heap Leaching and Precious Metals Recovery.

Water will be Commingled with Applications #60985, #60986, #60987, #60988,

#60989, #60990, #60991, #60992, Certificate #13786, and Certificate #13788.

Total Consumptive Use will not Exceed 210.4 MM Gallons Annually.

By s/Michael J. Protani
P.O. Box 2100
Winnemucca, NV 89446

Compared jk/ gkl cl/cms

Protested 6/20/95 by; USDI-National Park Service 6/23/95 by; USDE-Yucca Mountain
Pro. Overruled 4/23/96 Ruling No. 4327 Site

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance issued under the provisions of NRS 533.371 for a finite period of time. This permit will expire on January 1, 2008 and all rights herein will revert back to the source. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.5 cubic feet per second, but not to exceed 362.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before August 8, 1998

Proof of completion of work shall be filed before September 8, 1998

Application of water to beneficial use shall be filed on or before January 1, 2008

Proof of the application of water to beneficial use shall be filed on or before Permit Expires January 1, 2008

Map in support of proof of beneficial use shall be filed on or before N/A

Completion of work filed

Proof of beneficial use filed

Cultural map filed

Certificate No. Issued

WITHDRAWN BY APPLICANT SEP 25 2001

STATE ENGINEER

IN TESTIMONY WHEREOF, I, MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 8th day of August

A.D. 1998

State Engineer

(PERMIT TERMS CONTINUED)

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The total combined duty of water under Permit 51555 Certificate 13786; 52847 Certificate 13788; 60985; 60986; 60987; 60988; 60989; 60990; 60991, and 60992 shall not exceed 645.7 acre-feet annually.

The total combined diversion rate under the above referenced permits and any subsequent changes to these permits shall not exceed 4.94 cubic feet per second.

The above referenced water rights are issued subject to the letter of approval by the State Engineer dated August 8, 1996 of the "Monitoring Program for Groundwater Levels in Crater Flat, Southern Nevada". This monitoring plan dated November 15, 1995 was entered as a portion of Applicant's Exhibit A-5 at the hearing before the State Engineer on March 19, 1996. The State Engineer reserves the right to impose additional terms and conditions upon review and evaluation of data submitted as a result of the monitoring program.

Monthly records will be kept of the following: the volume of water pumped from each well and the volume of water consumptively used for mining and milling purposes projectwide. These records will be submitted within 15 days after the end of each month.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued subject to the State Engineer's Ruling No. 4327 issued on April 23, 1996.

